

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-21 are pending in the application. Upon entry of this Amendment, claims 1-3, 6-10, 12 and 19-21 will be amended to clarify the claimed invention and claim 4 will be cancelled.

In the outstanding Office Action, the Examiner rejected claims 1, 8, 17, 19 and 21 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

With regard to claims 1 and 8, the Examiner is repeating his rejection of these claims with regard to the description of the components comprising the sensor system. In his rejection of claims 1 and 8, the Examiner acknowledged that the Applicant originally disclosed a sensor system comprising at least one of a list of sensors that included, among other things, an accelerometer/silicon crystal; microphone and temperature sensor.

6/1/09 Office Action, page 2.

The Examiner is thanked for discussing the §112 rejection with the undersigned by telephone on August 31, 2009. As the undersigned explained to the Examiner during that telephone conversation, (1) the “at least one of” language in claims 1 and 8 implies that the claimed sensor can include (a) just one of the items originally included in the sensor list, (b) several of the items originally included in the sensor list, or (c) all of the items originally included in the sensor list, and (2) the accelerometer/silicon crystal;

microphone and temperature sensor recited in claims 1 and 8 constitute several of the items originally included in the sensor list, such that claims 1 and 8 do not recite new matter. The Examiner is also thanked for indicating, after considering the matter, his intention to withdraw his §112, first paragraph, rejection of claims 1 and 8.

With regard to claim 17, the Examiner is contending that the triggering of an alarm system on the basis of at least three different types of sensors simultaneously detecting deviation is new matter. To support his rejection of claim 17, the Examiner looks to paragraph [0001] of the USPTO publication of the present application as disclosing “an alarm system intended to trigger an alarm signal upon deviation from at least one environment-dependent reference predetermined for a specific environment.” Here again, the “at least one of” language of this disclosure implies that the trigger can occur based on (a) just one sensor or (b) several sensors. Notwithstanding this, it is also noted that support for claim 17 can be found Figure 4 of the present application and in paragraph [0076] of the USPTO publication of the present application: Paragraph [0076] states:

[0076] In FIG. 4, two examples are shown of sound/vibration images specific to a portable unit 12 included in the alarm system 10 shown in FIG. 1. The dynamic sensor system 14 records a "normal state" and may also use the stored sound/vibration images in the portable unit 12 locally or via wireless communication centrally in the memory member 24. Update and changes of acceptable sound/vibration image are carried out dynamically via wireless communication. In the examples shown in FIG. 4, three sensors are used in the sensor system 14. However, it should be pointed out that more sensors may be used depending on the application in question. In the graphs shown in FIG. 4, A indicates the deviation area, i.e., the area outside the recorded normal state. As is seen in the uppermost graph in FIG. 4, the signals from the sensors 1 and 2 are within the normal state,

while the signal from the sensor 3 is outside the normal state, i.e., a deviation is detected. In order to be able to minimise sources of error and the risk of false alarm, it is normally not enough that only one sensor detects deviation from the normal state/reference for an alarm to be triggered. Therefore, it is generally required that three different types of sensors simultaneously detect deviation from references for an alarm to be triggered. This situation is schematically illustrated in the lower graph in FIG. 4. There, the signals from the sensors 1-3 are "simultaneously" outside the normal state, and therefore an alarm would be triggered in this case. It should be pointed out that the sound/vibration signals shown in FIG. 4, in the form of sinusoidal signals are just schematic. Normally, the sound/vibration signals are much more complex.

U.S. Application Publication No. 20070188321, para. [0076] (Emphasis added). Thus, the present application specifically discloses triggering an alarm based on deviations sensed by three different sensors.

With regard to claims 19 and 21, the Examiner is contending that the phrase describing the recorded image as a recording of a magnitude of at least one parameter of the normal state is not disclosed in the original specification. Here again, support for claims 19 and 21 can be found in Figure 4 of the present application. As can be seen in Figure 4, the vertical or "y" axis of the graph is identified as the "Amplitude of deviation and the normal state". In view of this labeling, claims 19 and 21 have been amended to recite the term -- amplitude --, rather than "magnitude", to conform to the labeling used in Figure 4. In view of the forging comments and claim amendments, it is believed that the Examiner's new matter rejections of claims 17, 19 and 21 should be withdrawn.

Finally, the Examiner is again rejecting claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over the combination of Vock *et al.* (Publication No. US 2005/0080566 A1) and Raymond (*et al.*) (Publication No. US 2004/0087839n A1), but

now also in view of Gross (USP 7,266,347 B2). This rejection is substantially the same as the §103(a) rejection set forth in the prior Final Office Action of October 28, 2008, but now the Examiner is looking to Gross as teaching the “recorded image” recited in independent claims 1 and 8 of the present application. The Examiner’s rejection is respectfully traversed.

In rejecting a claim under 35 U.S.C. §103(a) as being unpatentable over a combination of references, an Examiner must point to a reason as to why one of ordinary skill in the relevant art would have combined the cited references to produce the claimed invention. Here, assuming, *arguendo*, that the Examiner properly combined the cited Vock, Gross and Raymond references in his rejection of claims 1-21 under §103(a), the resulting combination is not the claimed invention because such references do not disclose an alarm system that triggers an alarm signal upon a deviation from at least one environment-dependent reference predetermined for a specific environment, the predetermined environment-dependent reference being comprised of at least a recorded sound/vibration image of the normal state of the environment in which the at least one portable unit is placed, as recited in amended independent claims 1 and 8 of the present application.

The alarm system described in amended independent claims 1 and 8 is comprised of portable unit that, in turn, is comprised of (a) a sensor system that records a normal state of the environment when placed in the environment, the predetermined environment-dependent reference being comprised of at least a recorded sound/vibration

image of the normal state of the environment in which the at least one portable unit is placed, and (b) a processor member connected to the sensor system that compares signals received from the sensor system and said predetermined environment-dependent reference and that causes an alarm to be triggered upon determining an occurrence of a predetermined deviation of the signals received from the sensor system from the predetermined environment-dependent reference.

In this regard, independent claims 1 and 8 of the present application have been amended to clarify that the predetermined environment-dependent reference is at least a recorded sound/vibration image of the normal state of the environment, a feature not disclosed in Vock, Gross and Raymond.

In rejecting claims 1-21 under §103(a) as being unpatentable over the combination of Vock , Gross and Raymond, the Examiner repeats, at pages 4 to 10 of the outstanding Office Action, the reasons set forth at pages 3 to 8 of the prior October 28, 2008 Final Office Action for concluding that the alarm system claimed in the present application is obvious in view of the teachings of Vock and Raymond. For this reason, Applicant repeats and incorporates herein by reference the reasons set forth in the Amendment After Final Rejection filed April 23, 2009 as to why the alarm system claimed in the present application is not obvious in view of the teachings of Vock and Raymond.

In the outstanding Office Action, the Examiner, in his §103(a) rejection, recognizes that the primary Vock reference does not specifically disclose a predetermined environment-dependent reference that is at least a recorded image of the normal state of

an environment, but seeks to compensate for this deficiency in the teachings of Vock by pointing to Gross as disclosing the claimed recorded image. The Examiner identifies the image as a "voice print", pointing to paragraph [0043], lines 1-8 of Gross to support his contention. 6/1/09 Office Action, page 5.

Gross purports to disclose a remote monitoring device that is integrated as part of a cell phone or personal digital assistant. Gross does teach, in paragraph [0043], that, in a variation of his device, a user can record a child's voice print, a child's cry, or some other sound event that is stored in the form of a digital sound template in the memory 183 of the monitoring transceiver 130. But, Gross teaches that the sound template can then be used later to confirm a match to a sound analyzed by a sound recognition detector within the transceiver to generate an alert. To accomplish this, Gross notes that many cell phones are expected to be equipped with a speech recognizer that can be used for this purpose.

Thus, in the case of Gross' device, the monitoring system is looking for a match to the sound template, and not a predetermined deviation from the sound template, as would be the case in the alarm system claimed in the present application, assuming, *arguendo*, that the voice print could be construed to be the recorded image of the normal state of an environment recited in independent claims 1 and 8 of the present application. For this reason, Gross does not compensate for the noted deficiency in the teachings of Vock.

In addition, to the extent that Gross' disclosure of a video-based sensory data monitor in paragraph [0046] may be relevant to the alarm system described in

independent claims 1 and 8 of the present application, Gross further teaches that an observer would want to be informed of changes in the video image, but only as a result of significant movement, such as when a child has changed from a sleeping position to a sitting up position. In this regard, Gross notes that the degree of movement could be calibrated as desired, and the degree of image activity and/or change from frame to frame could be monitored and evaluated using known techniques to determine if a trigger event has occurred. But clearly, even here, Gross does not disclose a recorded image that is at least a sound/vibration image of the normal state of the environment in which a portable unit is placed, as now recited in amended independent claims 1 and 8 of the present application.

Thus, Gross does not compensate for the noted deficiency in the teachings of Vock. As such, amended independent claims 1 and 8 of the present application are not obvious over the combination of Vock, Gross and Raymond. And because dependent claims 2-7 and 9-21 all depend either directly or indirectly from independent claim 1 and 8, at least for this reason, claims 2-7 and 9-21 are also not obvious over the combination of Vock, Gross and Raymond.

In view of the foregoing, it is believed that all of the claims pending the application, *i.e.*, claims 1-21, are now in condition for allowance, which action is

earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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